S.B.Criminal Misc. Petition No. 1238/2005
(Sarfuddin Vs. Smt. Rukhsana)

Date of order : 12.07.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. G.M.Khan for the petitioner.
Mr. A.A.Khan for the non-petitioner.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 10.8.2005 passed by Chief Judicial Magistrate, Jalore (for short 'the trial court' hereinafter) granting maintenance in favour of non-petitioner on an application filed by the non-petitioner under Section 125 Cr.P.C. Aggrieved by the order impugned granting maintenance, the petitioner has filed the instant criminal misc. petition.

The order granting maintenance is revisable under Section 397 read with Section 401 Cr.P.C. Instead of filing a revision petition, the petitioner has filed the instant criminal misc. petition under Section 482 Cr.P.C. which is not maintainable.

The criminal misc. petition is therefore, dismissed as

not maintainable. Stay petition also stands dismissed. However, it is open for the petitioner, if he feels aggrieved by the order impugned and so advised, to file a revision petition.

(H.R.PANWAR), J.

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